

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 11, 2025**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SCOTT W. HUMPHREYS,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendant.

No: 2:24-CV-00437-MKD

ORDER DENYING LEAVE TO  
PROCEED *IN FORMA PAUPERIS*  
AND DISMISSING ACTION

**ECF No. 4**

On February 4, 2025, the Court directed Plaintiff, a *pro se* prisoner at the Airway Heights Corrections Center, to show cause why the Court should grant his application to proceed *in forma pauperis*. ECF No. 6 at 3. In the alternative, Plaintiff could have paid the \$405 filing fee. *Id.*

Plaintiff has filed nothing further in this action. Thus, the Court finds that Plaintiff has failed to demonstrate that he was under imminent danger of serious physical injury when he initiated this case, and is precluded under 28 U.S.C. § 1915(g) from proceeding in this action without prepayment of the filing fee. *See O'Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008). Because Plaintiff did not

1 avail himself of the opportunity to pay the \$405 filing fee, he may not proceed with  
2 this action.

3 Accordingly, **IT IS ORDERED:**

4 1. Plaintiff's application to proceed *in forma pauperis*, **ECF No. 4**, is  
5 **DENIED.**

6 2. This action is **DISMISSED WITHOUT PREJUDICE** for non-  
7 payment of the filing fee as required by 28 U.S.C. § 1914.

8 3. The Court certifies that any appeal of this dismissal would not be  
9 taken in good faith.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
11 enter judgment, provide copies to Plaintiff, and **CLOSE THE FILE.**

12 DATED March 10, 2025.

13 *s/Mary K. Dimke*  
14 MARY K. DIMKE  
15 UNITED STATES DISTRICT JUDGE  
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